

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10544-NMG**

Dykens v. Allen

Assigned to: Judge Nathaniel M. Gorton

Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 03/16/2004

Date Terminated: 08/03/2005

Jury Demand: None

Nature of Suit: 530 Habeas Corpus
(General)

Jurisdiction: Federal Question

Petitioner

Timothy George Dykens

represented by **Timothy George Dykens**
MCI Cedar Junction
P.O. Box 100
So. Walpole, MA 02071
PRO SE

V.

Respondent

Peter Allen

Superintendent

represented by **Susanne G. Reardon**
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/16/2004	1	PETITION for writ of habeas corpus pursuant to 28:2254 \$ 5.00, receipt number 0.00, filed by Timothy George Dykens.(Jenness, Susan) (Entered: 03/17/2004)
03/16/2004	2	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Jenness, Susan) (Entered: 03/17/2004)
03/16/2004	32	MOTION to Appoint Counsel by Timothy George Dykens.(Jenness, Susan) (Entered: 03/17/2004)

09/06/2005	(15)	MOTION for Reconsideration by Timothy George Dykens.(Elefther, Elizabeth) (Entered: 09/07/2005)
09/06/2005	(16)	AFFIDAVIT in Support re <u>15</u> MOTION for Reconsideration. (Attachments: # 1 Exhibit)(Elefther, Elizabeth) (Entered: 09/07/2005)
12/07/2005	(17)	Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>13</u> Motion for Extension of Time (Nicewicz, Craig) (Entered: 12/07/2005)
12/08/2005	(18)	Judge Nathaniel M. Gorton : ORDER entered granting <u>15</u> Motion for Reconsideration "Petitioner's Motion for Reconsideration (Docket No. 15) is allowed to the extent that Petitioner may proceed solely with respect to his exhausted claims." (Elefther, Elizabeth) (Entered: 12/12/2005)
01/13/2006	(19)	Proposed Document(s) submitted by Timothy George Dykens. Document received: Memorandum. (Sonnenberg, Elizabeth) (Entered: 01/13/2006)
11/21/2006	(20)	MEMORANDUM in Opposition by Peter Allen to <u>19</u> Proposed Document(s) submitted. (Reardon, Susanne) Modified on 11/27/2006 (Sonnenberg, Elizabeth). (Entered: 11/21/2006)
11/24/2006	(21)	Proposed Document(s) submitted by Peter Allen. Document received: Further Supplemental Answer Volume 1-3 (unscannable). (Sonnenberg, Elizabeth) (Entered: 11/28/2006)
12/26/2006	(22)	MOTION for Extension of Time (date was not listed) to File Response by Timothy George Dykens.(Sonnenberg, Elizabeth) (Entered: 12/28/2006)
12/26/2006	(23)	AFFIDAVIT by Timothy George Dykens. (Sonnenberg, Elizabeth) (Entered: 12/28/2006)
01/18/2007	(24)	Judge Nathaniel M. Gorton : Electronic ORDER entered denying <u>22</u> Motion for Extension of Time to File Response/Reply (Sonnenberg, Elizabeth) (Entered: 01/18/2007)
01/22/2007	(24)	Second MOTION for Extension of Time to 90 days to File Response/Reply as to <u>20</u> Memorandum of Law by Timothy George Dykens. (Attachments: # 1 Affidavit)(Sonnenberg, Elizabeth) (Entered: 01/23/2007)
01/30/2007	(24)	Judge Nathaniel M. Gorton : Electronic ORDER entered DENYING <u>24</u> Motion for Extension of Time to File Response/Reply re <u>24</u> MOTION for Extension of Time to 90 days to File Response/Reply as to <u>20</u> Memorandum of Law (Clerk mailed a copy of electronic notice to petitioner.)(Sonnenberg, Elizabeth) (Entered: 01/30/2007)
02/14/2007	(25)	MOTION for Reconsideration re Order on Motion for Extension of Time to File Response/Reply, by Timothy George Dykens.(Sonnenberg, Elizabeth) (Entered: 02/15/2007)
02/14/2007	(26)	AFFIDAVIT of Timothy Dykens by Timothy George Dykens. (Sonnenberg, Elizabeth) (Entered: 02/15/2007)

02/27/2007	<u>27</u>	MOTION of Traverse by Timothy George Dykens.(Sonnenberg, Elizabeth) (Entered: 02/28/2007)
02/27/2007	<u>28</u>	MEMORANDUM in Support re 27 MOTION of Traverse filed by Timothy George Dykens. (Sonnenberg, Elizabeth) (Entered: 02/28/2007)
03/21/2007	<u>29</u>	Judge Nathaniel M. Gorton : Electronic ORDER entered denying 25 Motion for Reconsideration, denying 27 Motion. Mailed to Petitioner 1st class US Mail. This case was closed on 8/3/05. (Nicewicz, Craig) (Entered: 03/21/2007)
04/23/2007	<u>29</u>	MOTION to Correct the Record by Timothy George Dykens. (Attachments: # 1 Exhibit)(Sonnenberg, Elizabeth) (Entered: 04/26/2007)
05/02/2007	<u>30</u>	Letter/requesting a copy of docket sheet (non-motion) from Timothy Dykens. (Sonnenberg, Elizabeth) (Entered: 05/03/2007)
06/29/2007	<u>31</u>	Letter/request (non-motion) from Timothy Dykens regarding his Motion to Correct the Record on 4/20/07. (Sonnenberg, Elizabeth) Additional attachment(s) added on 6/29/2007 (Sonnenberg, Elizabeth). (Entered: 06/29/2007)
11/29/2007	<u>32</u>	Judge Nathaniel M. Gorton : ORDER entered. MEMORANDUM AND ORDER "In accordance with the foregoing, petitioner's motion to correct the record (Docket No. 29) is ALLOWED, his motion to traverse (Docket No.27) is DENIED and his amended petition for a writ of habeas corpus (Docket No. 19) is DISMISSED. So ordered."(Sonnenberg, Elizabeth) (Entered: 11/30/2007)
12/14/2007	<u>33</u>	NOTICE OF APPEAL as to 32 Memorandum & ORDER, by Timothy George Dykens NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 1/3/2008. (Sonnenberg, Elizabeth) (Entered: 12/17/2007)
12/18/2007	<u>34</u>	MOTION for Clarification by Timothy George Dykens.(Sonnenberg, Elizabeth) (Entered: 12/19/2007)
12/20/2007	<u>35</u>	Judge Nathaniel M. Gorton: ORDER of DISMISSAL entered (in accordance with 11/27/07 M&O)(Nicewicz, Craig) (Entered: 12/20/2007)
12/26/2007	<u>34</u>	Judge Nathaniel M. Gorton: Electronic ORDER entered granting 34 Motion for Clarification allowed. The Petitioner's writ was dismissed without prejudice. Sent via US Mail to Petitioner on this date. (Nicewicz, Craig) (Entered: 12/27/2007)